<u>IN THE DRAWINGS</u>:

Please substitute the attached Replacement Sheet of drawings for the corresponding original sheet. Fig. 5 has been amended as shown in red on the attached Annotated Sheet.

REMARKS

Applicants have studied the Office Action dated December 23, 2005 and have made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-11, 23-25, and 29 are pending. Claims 22 and 26-28 have been canceled without prejudice. Claims 1-3, 5, 6, 11, and 23-25 have been amended, and new claim 29 has been added. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks are respectfully requested.

The drawings were objected to because Figure 5 did not have a title for the graph or labels for the axes. Please substitute the attached Replacement Sheet for the corresponding original sheet. Figure 5 has been amended as shown in red on the attached Annotated Sheet. In particular, Figure 5 has been amended to add a title for the graph and labels for the axes. No new matter has been added. In light of these amendments, it is submitted that the objection to the drawings should be withdrawn.

Claims 1-11 and 22-25 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 22 has been canceled so, with respect to this claim, this objection is moot. With respect to claims 1-11 and 23-25, this objection is respectfully traversed.

The Examiner stated that claims 1, 5, 6, and 23 recite "a first block" while the specification teaches "a register", not a block. Claims 1 and 23 have been amended for clarity to better follow the language used in the specification. In particular, claim 1 has been amended to recite "a first block for storing a number equal to the clock pulses present in the first period of evaluation." Similarly, claim 23 has been amended to recite "storing the number [of clock signal pulses in a first period of evaluation] in a first block".

In the exemplary embodiment of the present invention shown in Figure 6, a block 12 counts the clock signal pulses and stores the number of clock signal pulses counted during the

evaluation period T1. Further, the block 12 is implemented as an up counter and receives at input the clock signal 9 and the period T1. <u>See</u> specification at 7:1-16 (<u>see also</u> specification at 9:9-15). Thus, block 12 is a counter that counts clock pulses and stores (e.g., at the end of the period T1) the number of clocks pulses during period T1.[1] Accordingly, claims 1, 5, 6, and 23 now conform to the language used in the specification to describe the exemplary embodiment.

Additionally, the Examiner stated that the correlation recited in claim 4 did not match the correlation described in the specification. Claim 4 recites that "the multiplicative factor is deduced from the correlation between the ratio of the second and first period of evaluation and the total distortion value according to a diagram."

In one exemplary embodiment of the present invention, a block 28 makes a correspondence function <u>between</u> the number of the clock pulses counted during the first evaluation period T1 <u>and the diagram shown in Figure 5</u>. The diagram of Figure 5 shows T2/T1 vs. T.H.D., or the correlation between the T2/T1 ratio and the T.H.D. <u>See</u> specification at 6:14-23 and 9:13-10:9. Thus, the correlation between the T2/T1 ratio and the T.H.D. according to a diagram is used to deduce the multiplicative factor.[2] Accordingly, claim 4 conforms to the language used in the specification.

Further, claim 23 has been amended to remove the language that was objected to by the Examiner.

Accordingly, it is respectfully submitted that the rejection of claims 1-11 and 23-25 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

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[1] This is only one exemplary embodiment and Applicants' invention does not reside in the type of circuit used to implement the "first block". In further embodiments, any other type of circuit that can store the number of clock pulses in the first period of evaluation can be used to implement the "first block".

[2] This is only one exemplary embodiment and different diagrams can be used in further embodiments.

Claim 22 was rejected under 35 U.S.C. § 102(b) as being anticipated by Shvartsman (U.S. Patent No. 4,692,710). Claim 22 has been canceled so this rejection is moot.

Applicants thank the Examiner for indicating that claims 1-11 and 23-25 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims. The claims have been amended to overcome the rejection under 35 U.S.C. § 112, and have been further amended for definiteness and clarity. Claims 1 and 23 are in independent form. Claims 2-11 and claims 24 and 25 depend from claims 1 and 23, respectively. Accordingly, it is submitted that claims 1-11 and 23-25 are now in condition for allowance.

Claim 29 has been added by this amendment, and is provided to further define the invention disclosed in the specification. Claim 29 is allowable for at least the reasons set forth above with respect to claims 1-11 and 23-25.

In view of the foregoing, it is respectfully submitted that the application and the claims are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call the undersigned attorney at (561) 989-9811 should the Examiner believe a telephone interview would advance the prosecution of the application.

Respectfully submitted,

Date: January 27, 2006

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Fig.5

T2/T1 vs. T.H.D.